

United States Bankruptcy Court
Southern District of Indiana

IN RE:

Willard & Mary Brooks

DEBTOR(S)

CASE NO. 08-30988

APPLICATION FOR PAYMENT FROM UNCLAIMED FUNDS

The undersigned, East Bay Funding, LLC, applies to this Court for entry of an order directing the Clerk of the Court to remit to the applicant the sum of \$4,000.89 said funds having been deposited into the Treasury of the United States pursuant to an Order of this Court as unclaimed funds for creditor Roundup Funding, LLC

Applicant further states that:

1. (Indicate one of the following item)

☐ Applicant is the individual creditor named in the Order depositing funds into the Court and states that no other application for this claim has been submitted by or at the request of this creditor.

☒ Applicant is the duly authorized representative for the business or corporation named as the creditor in the Order depositing funds into the Court. Applicant has reviewed all records of the creditor and states that no other application for this claim has been submitted by or at the request of this creditor. An Affidavit of Creditor is attached and made part of this application.

☐ Applicant is an attorney or a "fund locator" who has been retained by the creditor. Applicant has obtained an original "power of attorney" from the individual creditor or the duly authorized representative for the business or corporation named as the creditor in the Order depositing funds into the Court. A Power of Attorney, conforming to the official Bankruptcy Form and an Affidavit of Creditor are attached and made part of this application.

☐ Applicant is either a family member of the deceased creditor or a successor in interest to the individual or business named as creditor in the Order depositing funds into the Court. An original "Power of Attorney" conforming to the official Bankruptcy Form and/or other supporting documents, including probate documents which indicate applicant's entitlement to this claim are attached and made part of this application.

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
COLUMBIA, IN
MAY 28 AM 10:33

2. Applicant has made diligent and sufficient inquiry and has no knowledge that this claim has been previously paid, that any other application for this claim is currently pending before this Court, or that any party other than the applicant is entitled to submit an application for this claim.

3. Applicant has provided notice to the U. S. Attorney pursuant to 28 USC Section 2042.

Respectfully submitted this the day of , 20 .

Name of Creditor


Signature of Applicant

SS# (Last 4 digits only)

Signature of Joint Applicant (if applicable)

SS# (Last 4 digits only)

ID#

Name and title of applicant

Company Name

Street Address

City and State

Telephone

United States Bankruptcy Court
Southern District of Indiana

IN RE:

Willard & Mary Brooks

DEBTOR(S)

CASE NO. 08-30989

AFFIDAVIT OF CREDITOR

I, Latoya McDowell on behalf of Resurgent Capital Services, the undersigned creditor in the above referenced case declare as follows:

1. East Bay Funding, LLC c/o Resurgent Capital Services, Po Box 288, Greenville, SC 29603
(Name and Address)

has been granted a Power of Attorney by me to submit an Application for Payment from Unclaimed Funds seeking payment in the amount of \$4,000.89 due and owing me as a creditor in the above referenced bankruptcy case.

2. My name, position with company (if applicable), address and telephone number are as follows:

Name: Latoya McDowell
Position: Legal Services Coordinatior
Address: 55 Beattie Place, Ste-110, MS-127
City/State/ZIP: Greenville, SC 29603
Area code/telephone number: 864-248-8305

3. That the undersigned substantiate the creditor has rights to the claim, including but not limited to documents relating to sale of company; i.e., purchase agreements and/or stipulation by prior and new owner as to right of ownership of funds by the attachment of certified copies of all necessary documents.
4. I (or the company which I represent) have neither previously received remittance for this claim nor have contracted with any other party other than the person named in item one above to recover these funds.

FILED
2013 MAY 28 AM 10:33
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
CHRISTOPHER M. B. TORO

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.

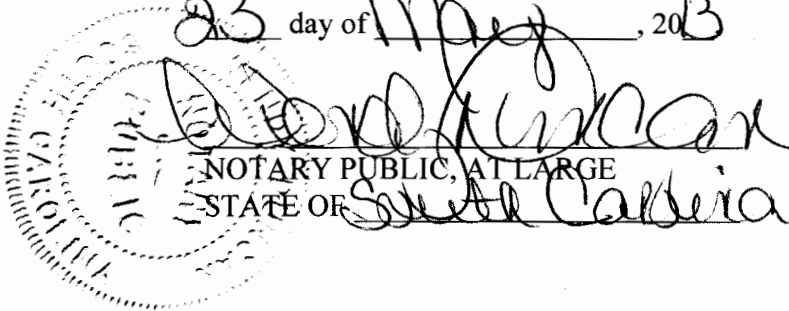
Dated

05-23-2013

Resurgent Capital Services
Creditor

Sworn to and Subscribed before me this

23 day of May, 2013





Account Detail		
Acct ID: 478950856	Portfolio ID: 17094	Account Status: Paying
Acct Number: [REDACTED] 8589		Collection Status: PDC

Account Balance	
Principal Balance: 5871.07	Cost Balance: 0.00
	Total Current Balance: 6680.07
Atty Balance: 0.00	

Collection Effort		
Last Letter Date: 5/7/2013	Last Call Date: 5/20/2013	Last Skip Date:

GLB
This account has not been opted out.

Cubs Data
No CUBS data exists.

Additional Account Data		
Last Pmt Date: 5/20/2013	Current Owner: PYOD LLC	Last Purchase Date:
Last Pmt Amt: 15.00	Total NSF and Rev Txns: 0.00	Last Purchase Amt:
Last NSF Amt:	Purchase Date: 11/8/2011	Net Pmt Amt: 1617.85
Last NSF Date:	Out of Statute Date: 5/20/2019	Funding Date: 5/2/2013
Total Pmt Txns: 1617.85	Date of first Delinq: 7/31/2007	Funding Source: Not Financed
Chg Off Date: 1/31/2008	Acct Type: Bankcard	Misc Data 1:
Chg Off Balance:	Original Creditor: Capital One Bank (USA), N.A.	Misc Data 2: 5903592472988589



Orig Placement Balance: 7488.92	Original Merchant:	Misc Data 3: Atlantic Credit Finance
	CCA Proposed Pmt:	Misc Data 4: 6018
Origination Date: 9/4/2004	CCA Phone:	CCA Accepted Pmt:
Seller: B-Line, LLC		Settlement Offer: 70%, \$4,676.05 Same day, Accept only ORCC, WU, MG, BW.
CCA Number:		
CCA Start Balance:		

Legal

Judgment and Law suit information can now be found on the Legal tab.
Updates to the legal data will be handled by Inventory Management.

Collateral



No Collateral for Account

**UNITED STATES BANKRUPTCY COURT
Southern DISTRICT OF Ohio**

In re: Willard & Mary Brooks

) **Case No. 08-30989**

)

)

Chapter: 13

)

)

)

Debtors

)

AFFIDAVIT OF LATOYA MCDOWELL

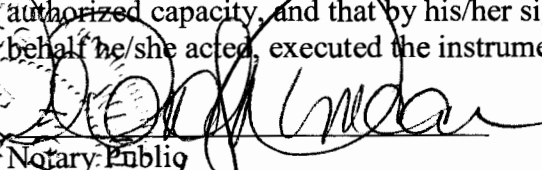
I, LaToya McDowell, hereby declare as follows:

1. I am over the age of 18 years and not a party to the within action.
2. I am a Legal Services Coordinator for Resurgent Capital Services. I am an authorized representative of Sherman Originator, LLC, Sherman Acquisition, LP, LVNV Funding, LLC, PYOD, LLC and Ashley Funding Services, LLC and East Bay Funding, LLC.
3. I am authorized to make this Affidavit on behalf of Creditor.
4. I am employed by the Creditor to file this petition on behalf of Resurgent Capital Services, Sherman Originator, LLC, Sherman Acquisition, LP, LVNV Funding, LLC, PYOD and Ashley Funding Services, LLC, East Bay Funding, LLC.

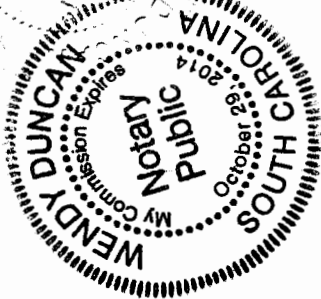

LaToya McDowell

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

On May 23, 2013, before me Wendy Duncan, personally appeared LaToya McDowell, personally known to me as the person whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon whose behalf he/she acted, executed the instrument.

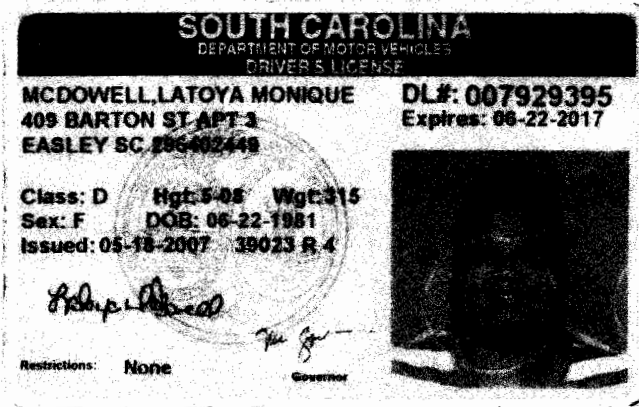

Notary Public

My Commission Expires: 10-29-2014



RESURGENTSM

Capital Services



The above copy of South Carolina driver's license in the name of LaToya M. McDowell is a true and exact copy of the original.

LaToya M. McDowell

LaToya M. McDowell

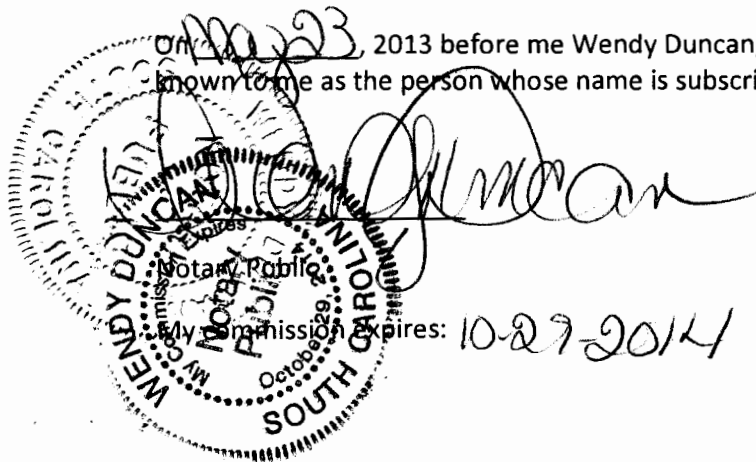
State of South Carolina

County of Greenville

On 06-23, 2013 before me Wendy Duncan, personally appeared LaToya M. McDowell, personally known to me as the person whose name is subscribed above.

Wendy Duncan
Notary Public

My Commission Expires: 10-27-2014



**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

IN THE MATTER OF:

**WILLARD RICK BROOKS
SSN: xxx-xx-5344**

**CASE NUMBER: 08-30989
CHAPTER 13**

**MARY SUE BROOKS
SSN: xxx-xx-2365
Debtors**

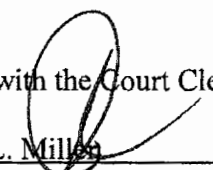
**NOTICE TO CAPITAL ONE THAT \$4,000.89
HAS BEEN DEPOSITED INTO THE COURT'S UNCLAIMED FUND
ACCOUNT IN TREASURY FUND #6047BK**

Comes now Debra L. Miller, Standing Chapter 13 Trustee, and gives notice to Capital One, creditor herein, and deposits \$4,000.89 into the Court Clerk's Unclaimed Funds Account in Treasury Account #6047BK.

1. That the Debtors' case was dismissed on February 11, 2013 and is in the process of being closed.
2. That the last known address for Capital One was:

2730 Liberty Avenue
Pittsburgh, PA 15222
3. That the Standing Chapter 13 disbursement check was returned with correspondence that the account could not be located.
4. That any objections to said Deposit should be made in writing with the Court Clerk.

Dated: March 22, 2013


/s/ Debra L. Miller
Debra L. Miller, Trustee
P.O. Box 11550
South Bend, IN 46634
(574) 251-1493

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice was served as follows on March 22, 2013

By U.S. Mail postage prepaid

Debtors: Willard and Mary Brooks, P O Box 411, Mexico, IN 46958

Creditor: Capital One, 2730 Liberty Avenue, Pittsburgh, PA 15222

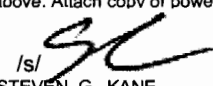
By electronic mail via CM/ECF:

Debtors' Attorney: Steven J. Glaser

U.S. Trustee: ustregion10.so.efc@usdoj.gov

/s/ Harriette M. King
Harriette M. King

B10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF INDIANA AT SOUTH BEND		PROOF OF CLAIM
Name of Debtor: WILLARD RICK BROOKS, MARY SUE BROOKS		Case Number: 08-30989 Ch 13
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Roundup Funding, LLC		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: Roundup Funding, LLC MS 550 PO Box 91121 Seattle, WA 98111-9221 Telephone number: (866) 670-2361		
Name and address where payment should be sent (if different from above): Telephone number: _____		
1. Amount of Claim as of Date Case Filed: <u>\$12,035.87</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: \$ _____ <small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
2. Basis for Claim: <u>Credit Card</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>XXXXXXXXXXXX8589</u> 3a. Debtor may have scheduled account as: <u>CAPITAL ONE INSTALLMENT</u> (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: SEE ATTACHMENT(S)		
Date: 4/30/2008	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <div style="text-align: center;">  /s/ STEVEN G. KANE Authorized Agent for Roundup Funding, LLC E-MAIL: BLINE.CHAPTER13@BLINELLC.COM </div>	
		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



ACCOUNT INFORMATION

Debtor(s) Name:	BROOKS, MARY S
Debtor(s) SSN:	XXX-XX-2365
Account Number:	XXXXXXXXXXXX8589
Creditor Name:	Roundup Funding, LLC
Related Account Number:	XXXXXXXXXXXX8589
Assignor:	Atlantic Credit Finance
Original Creditor:	CAPITAL ONE INSTALLMENT
Open Date:	09/04/2004
Charge Off Date:	01/31/2008
Balance as of Filing:	\$12,035.87
Basis for Claim:	Credit Card

CASE INFORMATION

Case Number:	08-30989
Bankruptcy Filing Date:	04/03/2008
Current Chapter:	13
Court District:	NORTHERN DISTRICT OF INDIANA
Court City:	SOUTH BEND
Trustee:	DEBRA L MILLER
Counsel for Debtor(s):	ANITA K GLOYESKI
Counsel Address:	116 E BERRY ST FORT WAYNE, IN 46802-2487

This claim is based on an unsecured account acquired from Assignor. Pursuant to Instruction 7, above is a redacted version of the information contained in the computer files documenting the account.

This information substantially conforms to 11 U.S.C. § 501, Federal Bankruptcy Rule 3001 and the Instructions to Form B10. See, e.g., *In re Moreno*, 34 B.R. 813 (Bankr. S.D. Fla. 2006); *In re Cluff*, 2006 WL 2820005 (Bankr. Utah 2006); *In re Heath*, 331 B.R. 424 (9th Cir. B.A.P. 2005); *In re Dove-Nation*, 318 B.R. 147 (8th Cir. B.A.P. 2004); *In re Guidry*, 321 B.R. 712 (Bankr. N.D. Ill. 2005); *In re Burkett*, 329 B.R. 820 (Bankr. N.D. Ohio 2005); *In re Lapsansky*, 2006 WL 3859243 (Bankr. E.D. Pa. 2006); *In re Irons*, 343 B.R. 32 (Bankr. N.D. NY 2006).



B 210A (Form 210A) (12/09)

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF INDIANA

In re MARY BROOKS,

Case No. 08-30989

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a). Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

East Bay Funding, LLC

Name of Transferee

Roundup Funding, LLC

Name of Transferor

Name and Address where notices to transferee should be sent:

East Bay Funding, LLC
c/o Resurgent Capital Services
PO Box 288
Greenville, SC 29603

Phone: 877-264-5884

Last Four Digits of Acct #: 0856

Court Claim # (if known): 12

Amount of Claim: 12035.87

Date Claim Filed: 06/24/2008

Phone: 866-670-2361

Last Four Digits of Acct. #: 8589

Name and Address where transferee payments should be sent (if different from above):

Phone: _____

Last Four Digits of Acct #: _____

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

By: /s/ Susan Gaines
Transferee/Transferee's Agent

Date: 12/21/2011

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571.

WAIVER OF NOTICE OF TRANSFER OF CLAIM

Roundup Funding, LLC, a Delaware limited liability company ("Transferor"), has sold and assigned certain claims to Sherman Originator III LLC, a Delaware limited liability company ("Transferee") pursuant to an Asset Purchase Agreement, dated September 23, 2011, as amended from time to time. Transferee is a limited liability company organized under the laws of the State of Delaware maintaining a place of business at 200 Meeting Street, Suite 206, Charleston, S.C. Said claims arise from consumer credit accounts (the "Accounts") issued to individuals who have filed petitions commencing cases under that U.S. Bankruptcy Code.

Transferor consents to the attachment of a copy of this Waiver of Notice of Transfer of Claim to a Notice of Transfer of Claim filed by Transferee or its agent pursuant to Federal Rule of Bankruptcy Procedure 3001(c)(2). Transferor specifically waives the right to receive notice of and object to the filing of the Notice of Transfer of Claim. Transferor requests that Transferee or Transferee's designated assignee are substituted for Transferor immediately upon the filing of the Notice of Transfer of Claim. A copy of this Waiver shall have the same force and effect as the original.

IN WITNESS WHEREOF, Transferor has executed this Waiver under its corporate seal by and through its duly authorized officer this 8th day of November, 2011.


ROUNDUP FUNDING, LLC

By: 


Name: Sandra Collins

Title: Vice President

Signed and acknowledged in the presence of:

Witness: 

Name (print): Donika Beany

Witness: 

Name (print): KLAUS HETTLACH

BILL OF SALE NO. 10

Each of the signatories hereto (each a "Seller"), for value received and pursuant to the terms and conditions of the Asset Purchase Agreement ("Agreement") dated September 23, 2011, as amended, among Sellers LSF5 B-Line Investments, LLC, B-Line, LLC, Roundup Funding, LLC, CR Evergreen, LLC, CR Evergreen II, LLC, Get Real Holdings, LLC, Avalon Financial Services, LLC, B-Real, LLC and Sherman Originator III LLC ("Purchaser") and Sherman Financial Group LLC, does hereby sell, assign and convey to Purchaser, its successor and assigns, all right, title and interest of Seller in and to those certain accounts listed in the data file named "Capital One BL Active 13", a copy of which is attached hereto, to the extent each Seller is shown to own the applicable account, without recourse and without representation or warranty of any kind, except to the extent provided for within the Agreement. Capitalized terms used but not defined herein have the respective meanings assigned to thereto in the Agreement

EXECUTED this 8th day of November, 2011.

IN WITNESS WHEREOF, the Parties have executed this Bill of Sale as of the date first written above.


LSF5 B-LINE INVESTMENTS, LLC

By: _____
Name: _____
Title: _____

B-LINE, LLC

By: _____
Name: _____
Title: _____

ROUNDUP FUNDING, LLC

By: 
Name: Sandra Collins
Title: Vice President

CR EVERGREEN, LLC

By: _____
Name: _____
Title: _____

CR EVERGREEN II, LLC

By: _____
Name: _____
Title: _____

GET REAL HOLDINGS, LLC

By: _____
Name: _____
Title: _____

AVALON FINANCIAL SERVICES, LLC

By: _____
Name: _____
Title: _____

B-REAL, LLC

By: **B-LINE, LLC, its Manager**

By: _____
Name: Kyle Volluz
Title: Manager

Transfer and Assignment

Sherman Originator III LLC ("SOLLC III"), without recourse, to the extent permitted by applicable law, hereby transfers, sells, assigns, conveys, grants and delivers to East Bay Funding, LLC ("East Bay") all of its right, title and interest in and to the receivables and other assets (the "Assets") identified on Exhibit A, in the Receivable File dated November 08, 2011 delivered by LSF5 B-Line Investments, LLC; B-Line, LLC; Roundup Funding, LLC; CR Evergreen, LLC; CR Evergreen II, LLC; Get Real Holdings, LLC; Avalon Financial Services, LLC; B-Real, LLC, By: B-LINE, LLC, its Manager on November 08, 2011 for purchase by SOLLC III on November 08, 2011. The transfer of the Assets included electronically stored business records.

Dated: **November 08, 2011**

Sherman Originator III LLC
a Delaware Limited Liability Company

By: _____

Name: Jon Mazzoni

Title: Director

Exhibit A

Receivables File

11.08.11

Transfer Group	Portfolio	Transfer Batch
209422	17094	N/A